

Bankr. S.D.N.Y.
08-1789-brl
Lifland, Bankr. J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 16th day of June, two thousand ten,

Present:

Amalya L. Kears,
Pierre N. Leval,
*Circuit Judges.**

In re Bernard L. Madoff,

Debtor.

10-974-mb

Petitioners, claimants of Bernard L. Madoff Investment Securities, LLC, through counsel, petition this Court for permission to take a direct appeal of the March 8, 2010 order of the bankruptcy court upholding the Trustee's net equity determinations. Upon due consideration, it is hereby ORDERED that the petition is GRANTED because Petitioners have satisfied the criteria set forth in 28 U.S.C. § 158(d)(2)(A); *see also Weber v. United States Trustee*, 484 F.3d 154, 157 (2d Cir. 2007).

Additionally, Lawrence R. Velvel moves to file an opposition to the petition as amicus curiae, and to amend the caption to include him as a party. Upon due consideration, it is hereby ORDERED that Velvel's motions are DENIED.

The Clerk's Office is directed to issue the following briefing schedule agreed upon by the parties. The Petitioners' briefs will be due six weeks after the ready date, as defined in Second Circuit Local Rule 31.2(a)(1)(A); the Trustee's brief will be due six weeks thereafter; and the reply briefs will be due three weeks after that.



FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

A True Copy

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United States Court of Appeals, Second Circuit

* Judge Debra Ann Livingston has recused herself from consideration of these applications. Pursuant to Second Circuit Internal Operating Procedures E(b), the matter is being decided by the two remaining members of the panel.

MANDATE ISSUED ON 06/16/2010